

REMARKS / ARGUMENTS

Claim Rejections - 35 USC § 112 (first paragraph)

Claims 1-7 were rejected in the office action for failing to describe the invention such that one of reasonable skill in the art could practice the invention. The office action noted that “[w]ith the solid support bar 30 laying across the entire length of the double-ended load cell 22, it is unclear how the load cell actually measures weight.” The office action went on to note that the end portions of load cells are generally free to flex independently of the fixed center of the load cells, and that if the solid beam were laying across the top of the load cell, and actually making physical contact with the top, some of the weight of a person and bed would be transmitted through the fixed center of the load cell.

Applicant respectfully responds that it may appear that the entire load on a scale is suspended across the entire length of the double-ended load cell. However, it is not. The support bar is constructed in such a way that there is contact only at the end portions of the load cell. This allows for unobstructed flexing at the ends of the load cell from the fixed center portion of the cell such that the strain gages can give an accurate measure of weight.

Applicant also respectfully notes that fundamental inquiry into whether a patent document satisfies the enablement requirement is whether a person of ordinary skill in the art of the invention, using the knowledge of such a person, and the disclosure in a patent document, could make and use the claimed invention without undue experimentation. Because a patent document is not meant to be a production specification, The requirement is met even if some experimentation is needed. *See Northern Telecom Inc. v. Datapoint Corp.*, 15 USPQ2d 1321 (CAFC 1990).

Applicant respectfully submits that his document does meet this standard in that a person of ordinary skill in the art of load cells and scales would be able to review the specification, look at the drawings, and know that either the support bar must be shaped such that it is only in

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contact with the flexible ends of the load cell, or that some sort of spacer, such as a washer or the like, must be placed at the point where the support bar is connected to the load cell's flexible ends.

Additionally, if such knowledge was not readily apparent to one of ordinary skill in the art of load cells and scales, such a person would be able to determine without undue experimentation that the support bar must be shaped such that it is only in contact with the flexible ends of the load cell, or that some sort of spacer, such as a washer or the like, must be placed at the point where the support bar is connected to the load cell's flexible ends. Thus, applicant respectfully contends that his document satisfies the enablement requirement.

Claim Rejections - 35 USC § 112 (second paragraph) & MPEP § 2172.01

Applicant notes that the claims of his application were also rejected, as being indefinite, and for omitting essential structural cooperative relationships. Applicant has amended previously submitted claims 1 and 5 of his application and added new claims 8 through 11. Applicant respectfully submits that through these amendments and the addition of the new claims, he has placed the claims in a condition that the requirements of 35 USC § 112 (second paragraph) & MPEP § 2172.01 have been met.

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CONCLUSION

By the foregoing amendments, the addition of new claims 8 -11 and the arguments/remarks, Applicant believes that he has responded fully to all of the concerns expressed in the Office Action, and believe that he has placed each of the pending claims in condition for immediate allowance. Early favorable action in the form of a Notice of Allowance is urged. In the event that the Examiner has any further concerns, Applicants requests a call to Applicants' attorneys David L. Garrison or William L. Haynes at (206) 441-3440.

Respectfully submitted,

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WLH:jm

Addition of line to more clearly show
 the relationship between the support bar 30 (number added),
 and the load cell 22.

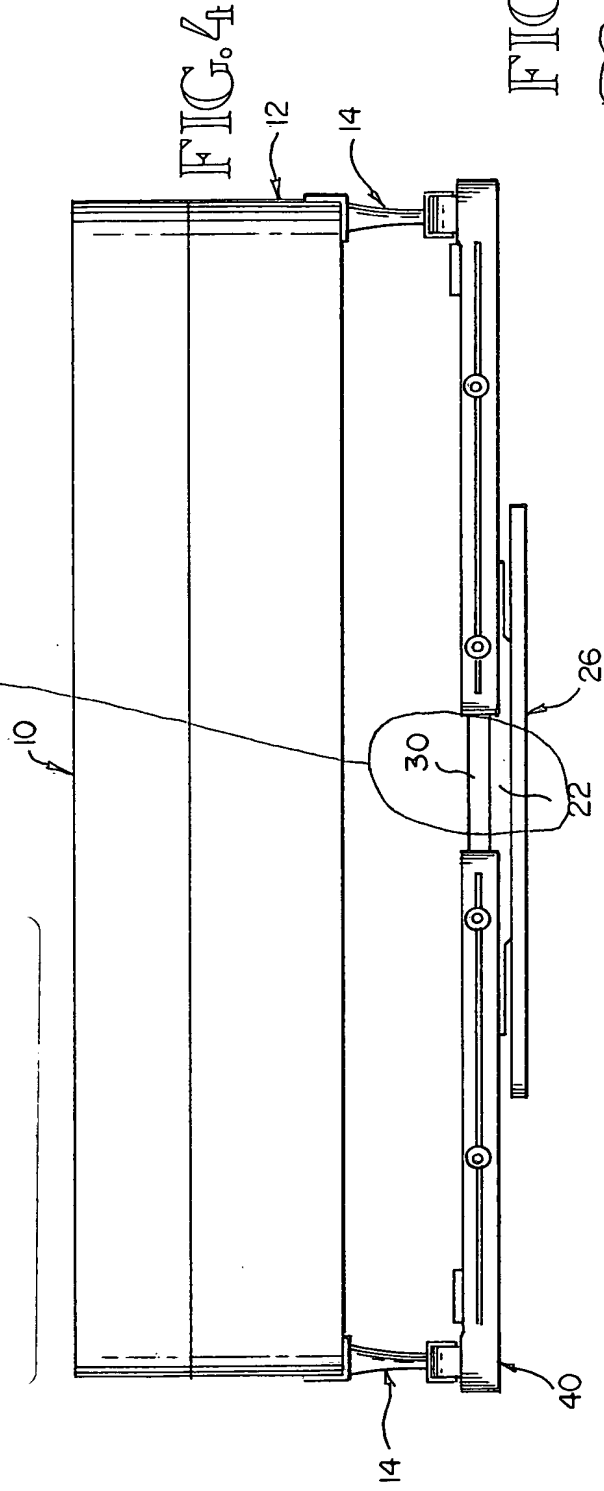


FIG. 6

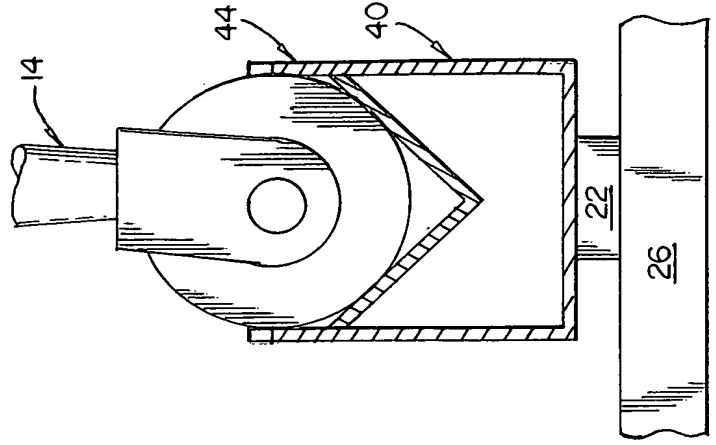


FIG. 5

